

DISCUSSION OF THE AMENDMENTS

The amendment to the Abstract was made to reduce the length of the Abstract and does not limit the scope of the specification as filed.

The amendment to the specification was made to add a Brief Description of the Drawing section and is supported on pages 15-17 of the specification.

Claims 1, 15 and 21 are currently amended.

Claims 2-14 and 16-20 are original.

Claim 22 is new.

Upon entry of the amendment, claims 1-22 will be active.

The amendments to claims 1, 15 and 21 are supported by the claims as originally presented and the amendments do not limit the scope of the original claims.

New claim 22 is supported by original claims 1 and 15.

No new matter has been added.

REMARKS

The Office has rejected claims 1-14 under 35 U.S.C. § 103(a) over Schwefer (WO 01/51181).

The present disclosure involves a process and apparatus for reducing the content of NO_x and N₂O in gases. The process, in part, includes selecting the process conditions such that a N₂O content greater than 200 ppm is established in the first catalyst bed. (Claim 1). Applicants have found that the residual N₂O gas surprisingly improves the effectiveness of the process (see page 4, lines 2-16 of the specification). This recitation is not taught or suggested by the cited reference (Schwefer).

Schwefer describes a method for the reduction of NO_x and N₂O in process gases. The method involves two catalyst beds such that the first bed removes N₂O gas and the second bed removes NO_x gas. (see Abstract). The goal in Schwefer is to remove as much N₂O gas as possible over the first catalyst bed. Schwefer describes this reduction of N₂O gas to between 0 and 200 ppm N₂O and most preferable to between 0 and 50 ppm N₂O (see page 5, lines 21-23 of Schwefer). This description shows that such processes do not necessarily give the recited N₂O gas content of greater than 200 ppm. In contrast, the claimed process recites maintaining the N₂O gas level after the first catalyst bed to more than 200 ppm N₂O. Accordingly, Schwefer does not teach or suggest all the recitations of the claimed process as required to establish a *prima facie* case of obviousness. Therefore, the claimed process would not have been rendered unpatentable under 35 U.S.C. § 103(a) over Schwefer.

In addition, Schwefer actually teaches away from the claimed process since the goal in Schwefer is to eliminate or reduce the N₂O content to below 200 ppm in the first catalyst bed, whereas the claimed process maintains the N₂O content to greater than 200 ppm in the first catalyst bed so that N₂O gas is available in the second catalyst bed. Applicants note that such a teaching away is indicative of non-obviousness (see MPEP 21454 (X)(D)).

Because the cited reference does not teach or suggest all the recitations of the claimed method and because the cited reference teaches away from the claimed method, Applicants

respectfully request that the Office withdraw the rejection of claims 1-14 under 35 U.S.C. §103(a) over Schwefer.

Applicants acknowledge that the form PTO-1449 filed on December 6, 2004 contains only one page.

Applicants have submitted a new Declaration as requested by the Office.

Applicants have amended the Abstract to less than 150 words and added a Brief Description of the Drawing section as requested by the Office.

Finally, Applicants note that the claims have been amended such that they are free of the criticism outlined on page 3 of the Office Action. Accordingly, the rejection under 35 U.S.C. §112, second paragraph should be withdrawn.

In view of the above remarks, applicant believes the pending application is in condition for allowance. Favorable reconsideration is respectfully requested.

Applicants have included fees for a two month extension of time and believe no additional fees are due with this amendment. However, if any additional fees are due, please charge our Deposit Account No. 03-2775, under Order No. 09600-00026-US from which the undersigned is authorized to draw.

Dated: February 11, 2008

Respectfully submitted,
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